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7  
8 **BEFORE THE**  
**BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 936-A

11 **KARTIK P. PATEL**  
12 **8457 Samra Road**  
13 **West Hills, CA 91304**  
**Traffic Engineer License No. TR 2132**

**A C C U S A T I O N**

14 Respondent.

15  
16 Complainant alleges:

17 PARTIES

18 1. David E. Brown (Complainant) brings this Accusation solely in his official capacity  
19 as the Executive Officer of the Board for Professional Engineers and Land Surveyors (Board),  
20 Department of Consumer Affairs.

21 2. On or about December 14, 2001, the Board issued Traffic Engineer License Number  
22 TR 2132 to Kartik P. Patel (Respondent). The Traffic Engineer License was in full force and  
23 effect at all times relevant to the charges brought herein and will expire on March 31, 2012,  
24 unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board for Professional Engineers and Land  
27 Surveyors (Board) under the authority of the following laws. All section references are to the  
28 Business and Professions Code unless otherwise indicated.

4. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

6. Section 6775 of the Code states, in pertinent part, that “[t]he board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:

“(a) Who has been convicted of a crime substantially related to the qualifications, functions and duties of a registered professional engineer, in which case the certified record of conviction shall be conclusive evidence thereof.

“(b) Who has been found guilty by the board of any deceit, misrepresentation, or fraud in his or her practice.”

### COSTS

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### FIRST CAUSE FOR DISCIPLINE

(Substantially Related Conviction)

8. Respondent is subject to disciplinary action under sections 490 and 6775, subdivision (a) of the Code in that Respondent was convicted of a crime substantially related to the qualifications, functions and duties of a registered professional engineer. The circumstances are as follows:

a. On or about November 5, 2008, in *People v. Murillo* (Super. Ct. Los Angeles County, 2008, No. BA314744), Respondent pleaded guilty to and was convicted of the felony of computer intrusion to alter or destroy data, in violation of Penal Code section 502, subdivision (c)(4). This felony was alleged as count 1 of a six-count criminal complaint. The criminal court sentenced Respondent to informal diversion, requiring Respondent to perform 240 hours of community service and make restitution. The criminal court further ordered that if Respondent complied with the terms in his plea agreement, his sentence may be reduced to a misdemeanor in one year.

b. On or about November 30, 2009, in *People v. Murillo* (Super. Ct. Los Angeles County, 2008, No. BA314744), the criminal court ordered count 1 deemed amended to allege a misdemeanor, and convicted Respondent thereof.

c. The factual basis for the criminal prosecution was that on or about August 21, 2006, Respondent and a co-worker, traffic engineer Gabriel Anthony Murillo, when employed by the City of Los Angeles Automated Traffic Surveillance Center, accessed the city's computer system and manipulated the traffic signal system in a manner so as to cause significant traffic delays at major intersections.

## SECOND CAUSE FOR DISCIPLINE

(Deceit, Misrepresentation or Fraud)

9. Respondent is subject to disciplinary action under section 6775, subdivision (b) of the Code in that Respondent engaged in deceit, misrepresentation or fraud in his practice as a licensed traffic engineer. Complainant refers to and by this reference incorporates the allegations set for in paragraph 8, subparagraphs (a) through (c) inclusive, above, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a decision:

1. Revoking or suspending Traffic Engineer License Number TR 2132, issued to Respondent Kartik P. Patel;

1           2.     Ordering Respondent to pay the Board the reasonable costs of the investigation and  
2 enforcement of this case, pursuant to Code section 125.3; and

3           3.     Taking such other and further action as deemed necessary and proper.  
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6  
7 DATED: \_\_\_\_\_

7/8/10

Original Signed

DAVID E. BROWN

Executive Officer

Board for Professional Engineers and Land Surveyors

Department of Consumer Affairs

State of California

Complainant

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